

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Southern Division)**

**SELVIN RAMIRO MARTINEZ
HERNANDEZ, *et al.***

Plaintiffs,

v.

AMBERS DISPOSAL, LLC, *et al.*

Defendants.

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CASE NO:

Notice

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NOTICE OF REMOVAL

Defendants, Ambers Disposal, LLC, Brenda Johnson McAlwee, Frank L. McAlwee, Jr., and Robert D. Case (collectively referred to as, “Defendants”), through their attorneys, Steven A. Brown, and Council, Baradel, Kosmerl & Nolan, P.A., and in accordance with Local Rule 103.5 and 28 U.S.C. §§ 1332, 1441, and 1446, join together and file this Notice of Removal to this Court and state as follows:

1. On or about May 3, 2018, Selvin Ramiro Martinez Hernandez, Miguel Angel Leon Rivera, and Jesus N. Santamaria’s (collectively referred to as, “Plaintiffs”), instituted this action against the Defendants by filing their Complaint in the Circuit Court for Prince George’s County, Maryland. The action is now pending as case number CAL18-12481.

2. Plaintiffs’ primarily allege that Defendants were Plaintiffs’ employers and that Defendants did not pay overtime as required under federal law and the state equivalent.

3. Removal is proper under 28 U.S.C. § 1441(c) as Plaintiffs’ claims arise under alleged violations of 29 U.S.C. §§ 201 *et seq.* (“FLSA”). This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 and 28 U.S.C. § 1367 as the subject matter involves the

interpretation of federal questions under the FLSA, and the state law violations arise out of the same operative facts and are so related to the alleged federal violations as to be part of the same case or controversy.

4. Removal to this Court, and to this specific Division, is proper, as the state court in which the complaint was filed is located within this Division.

5. This removal is timely as Defendants were served with the Complaint on May 22, 2018.

6. Along with the filing of this Notice of Removal, Defendants will promptly serve written notice of this Notice of Removal on counsel for all adverse parties and file the same with the Clerk of the Circuit Court for Prince George's County.

7. The undersigned counsel hereby certifies that true and correct copies of all documents served on the Defendants in the action pending in state court are attached hereto as Exhibits A1-3.

8. The undersigned counsel hereby certifies that true and correct copies of all documents in the record for the action pending in state court are attached hereto as Exhibits B1-4.¹

9. By removing this action, Defendants do not waive any defenses available, nor do the Defendants admit any of the allegations made in Plaintiffs' Complaint.

WHEREFORE, Defendants remove the above-captioned action from the Circuit Court for Prince George's County, Maryland to the United States District Court for the District of Maryland, Southern Division.

¹ Exhibits A1 and B1 are both copies of the Complaint filed in state court. Exhibit B1 has additional markings on it presumably from the Prince George's County Clerk's Office.

Respectfully submitted,

COUNCIL, BARADEL,
KOSMERL & NOLAN, P.A.

BY: /s/ Steven A. Brown
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 18th day of June 2018, a copy of the foregoing, was filed under this Court's electronic filing system and as a result was served by email on all parties to this matter. A copy was also served via email and First-Class US Mail, postage prepaid, to:

Mariusz Kurzyna, Esquire
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Attorneys for the Plaintiffs

/s/ Steven A. Brown
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